

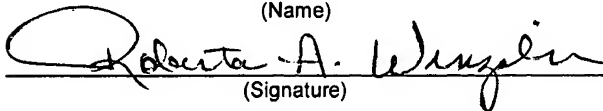


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Roberta A. Winzeler

(Name)



(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner: Thor S. Campbell
Peter F. Gerhardinger)	
)	
Serial No: 10/695,702)	Art Unit: 3742
Filed: October 29, 2003)	
)	
Patent No. 6,868,230)	
Issued: March 15, 2005)	
)	Attorney Docket No. : 1-15692
For: VACUUM INSULATED QUARTZ)	
TUBE HEATER ASSEMBLY)	

August 19, 2005

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

08/23/2005 SLUANG1 00000042 10695702

01 FC:1461

250.00
**NOTIFICATION OF ESTABLISHMENT OF
SMALL ENTITY STATUS BY ERROR,
PURSUANT TO 37 CFR §1.28(c)**

Honorable Sir:

The above-captioned application is a utility application claiming the benefit of provisional application 60/426,779 filed November 15, 2002.

On November 15, 2002, a small entity statement was filed in provisional application Serial No. 60/426,779, in good faith. A small entity statement was also submitted in good faith in the subsequent utility application Serial No. 10/695,702.

08/23/2005 SLUANG1 00000001 10695702

01 FC:1001
02 FC:1202

790.00 OP
500.00 OP

08/23/2005 SLUANG2 00000002 10695702 1400.00 OP
01 FC:1501

Applicants' undersigned counsel has now discovered and determined that such status as a small entity may have been established in error. Accordingly, such status is hereby withdrawn.

Upon reviewing the file history, the following deficient fee payments have been noted in this application, Serial No. 10/695,702:

- 1) Fee of \$80 for filing provisional application paid on November 15, 2002.
Current fee for same calculated to be \$200. Amount of deficiency equals \$120.

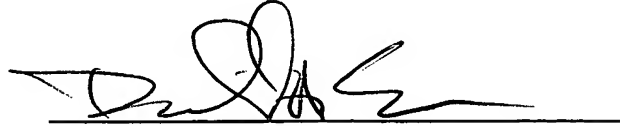
Further, the following deficient fee payments have been noted in the utility application, Serial No. 10/695,702:

- 1) Fee of \$555 for filing of utility application paid on October 29, 2003.
Current fee for same calculated to be \$1,500. Amount of deficiency equals \$945.
- 2) Fee of \$700 for Issue Fee paid on December 13, 2004. Current fee for same calculated to be \$1,400. Amount of deficiency equals \$700.

A check in the amount of \$1,765 is attached to cover the total amount of the deficiencies between the amount of the fees paid and the amount due under the current United States Patent and Trademark Office fee schedule. Although there has been a good faith effort to identify each and every deficient fee paid and the amount of such deficiency, please charge any additional fees or further deficiency in any fee paid (or credit any overpayment) to Deposit Account No. 13-1816.

A duplicate of this paper is attached.

Respectfully submitted.



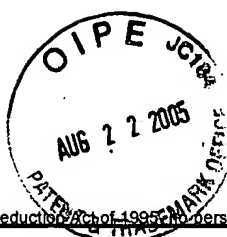
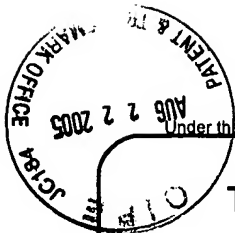
Donald A. Schurr
Registration No. 34,247
Attorney of Record

ATTORNEYS

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Adjustment date: 08/23/2005 SLUANG1
10/31/2003 AOSMAN1 00000005 10695702
01 FC:2001 -385.00 OP
02 FC:2202 -90.00 OP

Adjustment date: 08/23/2005 SLUANG2
12/16/2004 MBERHE1 00000093 10695702
01 FC:2501 -700.00 OP



PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number	10/695,702
Filing Date	October 29, 2003
First Named Inventor	Peter F. Gerhardinger
Art Unit	3742
Examiner Name	Thor S. Campbell
Attorney Docket Number	1-15692

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Duplicate Copy of Notification
<input type="checkbox"/> Remarks Notification of Establishment of Small Entity Status by Error Check in the amount of \$1,765		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARSHALL & MELHORN, LLC.		
Signature			
Printed name	Donald A. Schurr		
Date	8-19-05	Reg. No.	34,247

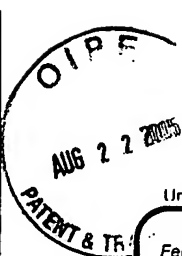
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Roberta A. Winzeler	Date	8/19/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) \$1,765**Complete if Known**

Application Number	10/695,702
Filing Date	October 29, 2003
First Named Inventor	Peter F. Gerhardinger
Examiner Name	Thor S. Campbell
Art Unit	3742
Attorney Docket No.	1-15692

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 13-1816 Deposit Account Name: MARSHALL & MELHORN, LLC.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notification of Establishment of Small Entity Status by Error**Fees Paid (\$)**

\$1,765

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	34,247	Telephone	419-249-7145
Name (Print/Type)	Donald A. Schurr	Date			

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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